



**PATENT**  
Attorney Docket No. STK-008CN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Oppermann *et al.* CONFIRMATION NO.: 3498  
SERIAL NUMBER: 09/754,831 GROUP NO.: 1646  
FILING DATE: January 3, 2001 EXAMINER: E. C. Kemmerer  
TITLE: *NUCLEIC ACID MOLECULES ENCODING OSTEOGENIC  
PROTEINS*

**Terminal Disclaimer**

I, Christine C. Vito, state that I am the attorney of record authorized to sign on behalf of Stryker Corporation ("STRYKER"), identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 09/754,831. I have reviewed all the evidentiary documents referred to in the instant Terminal Disclaimer and state that, to the best of my knowledge and belief, title to the above-identified patent application is in the name of STRYKER.

STRYKER, of 35 South Street, Hopkinton, MA 01748, is the assignee of the entire right, title and interest in and to the above-identified application, U.S. Serial No. 09/754,831, by virtue of an assignment from the inventors of a parent of the above-identified application (U.S. Serial No. 07/315,342 now U.S. Patent No. 5,011,691) which was recorded on February 23, 1989 in the United States Patent and Trademark Office at Reel 5049, Frame 184. The instant application is a continuation of U.S. Serial No. 08/375,901, now U.S. Patent No. 6,261,835, which is a divisional of U.S. Serial No. 08/145,812, now U.S. Patent No. 5,750,651, which is a divisional of U.S.

Serial No. 07/995,345, now U.S. Patent No. 5,258,494, which is a divisional of U.S. Serial No. 07/315,342, now U.S. Patent No. 5,011,691.

STRYKER hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on U.S. Serial No. 09/754,831 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of prior U.S. Patent No. 6,261,835, which issued July 17, 2001; prior U.S. Patent No. 5,863,758, which issued January 26, 1999; prior U.S. Patent No. 5,712,119, which issued January 27, 1998; prior U.S. Patent No. 5,670,336, which issued September 23, 1997; prior U.S. Patent No. 5,652,118, which issued July 29, 1997; prior U.S. Patent No. 5,614,385, which issued March 25, 1997; and prior U.S. Patent No. 5,585,237, which issued December 17, 1996. STRYKER hereby agrees that any patent so granted on U.S. Serial No. 09/754,831 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,261,835; 5,863,785; 5,712,119; 5,670,336; 5,652,118; 5,614,385; and 5,585,237. This agreement runs with any patent granted on U.S. Serial No. 09/754,831 and is binding upon the assignee, its successors or assigns.

STRYKER does not disclaim the terminal part of the term of any patent granted on U.S. Serial No. 09/754,831 prior to the expiration date of the full statutory term of any of U.S. Patent Nos. 6,261,835; 5,863,785; 5,712,119; 5,670,336; 5,652,118; 5,614,385; 5,585,237, in the event that any of said patents expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321 (a), has all claims cancelled by a reexamination

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certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Assignee: STRYKER CORPORATION

By:



Name: Christine C. Vito

Title: Attorney of Assignee

Date

July 21, 2005